IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4764 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KESHUBHAI P PATEL

Versus

GOVT OF GUJARAT

Appearance:

MR Mahesh Prajapati for Mr. C.H.Shah for petitioners

Mrs. R.V. Acharya, GOVT PLEADER for Respondent No. 1

NOTICE SERVED for Respondent No. 2, 3

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 24/08/2000

ORAL JUDGEMENT

1. The petitioners apprehending that, their salaries will be reduced without hearing them, have approached this Court. They were in the scale of Rs.440-750, while working as teachers of PTC College. That scale came to

be revised to Rs.1400-2600, and as per which their salaries were fixed in the revised scale; the particulars of which are given in paragraph No.6 of the petition. Necessary entries were made in their service books in respect of such revised pay scale. The petitioners were suddenly told that the auditor had questioned the past four increments which were given to them with effect from June 1980, and it was likely that their salaries will be reduced.

2. The only contention that was raised before this Court was that the salaries of the petitioners cannot be reduced without hearing them. It is obvious that, an order reducing salary would work against the incumbents and therefore, it would be necessary for the concerned authorities to give an opportunity of hearing to the petitioners, if their salaries which were already fixed are to be reduced. It is therefore, directed that, before taking any action for reduction of salaries, the petitioners should be given an opportunity of being heard in the matter. The petition is allowed in terms of this direction. Rule is made absolute accordingly, with no order as to costs.

DT: 24-8-2000 (R.K. Abichandani, J)

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